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8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 (OAKLAND DIVISION)

11 OPERATING ENGINEERS' PENSION  
TRUST FUND; F.G. CROSTHWAITE and  
12 RUSSELL E. BURNS, as Trustees,

13 Plaintiffs,

14 vs.

15 TERRASEARCH, a California Corporation, 3  
MAK, LLC, a California Limited Liability  
16 Company, and DOES 1-20,

17 Defendants.  
18

Case No.: CV 10-04964 SBA (LB)

**STIPULATION CONTINUING  
HEARING ON MOTION TO SET  
ASIDE DEFAULT; [PROPOSED]  
ORDER**

Date: October 6, 2011

Time: 11:00 a.m.

Ctrm: 4, 3<sup>rd</sup> Floor

Judge: Honorable Laurel Beeler

19 Defendants filed their Motion to Set Aside the Default ("MSAD") on June 22, 2011.  
20 Docket No. 43. The MSAD was referred to Magistrate Judge Beeler for report and  
21 recommendation on June 24, 2011. Docket No. 44. Judge Beeler issued an Order setting the  
22 hearing on the MSAD for September 1, 2011, with Plaintiffs' Opposition due July 18, 2011, and  
23 Defendants' Reply Brief due July 25, 2011. Docket No. 47. Pursuant to stipulations between the  
24 parties and this Court's orders, the hearing on the motion was continued to September 25, 2011,  
25 and then continued to October 6, 2011. Docket No. 51 and 53.

26 Defendants are continuing to provide information and documents to Plaintiffs in an attempt  
27 to resolve this matter. Further, the parties are attempting to negotiate a stipulated judgment and if  
28 the parties stipulate to a judgment the MSAD will become moot. The parties require sufficient

1 opportunity to produce and evaluate additional documents and information and to agree to the  
2 scope of the stipulated judgment.

3 As such, the parties hereby stipulate to continue the hearing on the MSAD to December  
4 15, 2011, at 11:00 a.m., and further stipulate that Plaintiffs' Opposition shall be due on November  
5 23, 2011, and Defendants' Reply Brief shall be due on December 1, 2011.

6  
7 Dated: September 9, 2011

SALTZMAN & JOHNSON LAW CORPORATION

8  
9 By: /s/  
10 Shaamini A. Babu  
11 Attorneys for Plaintiff

12 Dated: September 9, 2011

LITTLER MENDELSON P.C.

13  
14 By: /s/  
15 Stephen C. Tedesco  
16 Attorneys for Defendants

17 IT IS SO ORDERED.

18 Based on the foregoing, and good cause appearing, the hearing on Defendants' Motion to  
19 Set Aside Default is hereby calendared for December 15, 2011, at 11:00 a.m. Plaintiffs'  
20 Opposition shall be filed by November 23, 2011, and Defendants' Reply Brief shall be filed by  
21 December 1, 2011.

22 Date: September 23, 2011

